

David Abrams, Attorney at Law (DA-8126)  
305 Broadway, 5th Floor  
New York, New York 10007  
Tel. 212-897-5821 Fax 212-897-5811

United States District Court  
Southern District of New York

---

I. Ganessey,	)	JUDGE RAKOFF
Plaintiff,	)	<b>07 CV 2641</b>
- against -	)	Index No.: _____
HP Trading Corp. a/k/a Petak's	)	
Defendant.	)	

---

### COMPLAINT

Plaintiff, complaining of the Defendant by his attorney, David Abrams, Attorney at Law, respectfully sets forth and alleges as follows:

#### **I. Introduction**

1. This is an action for unpaid overtime under the Fair Labor Standards Act and New York Wage & Hour Regulations.

#### **II. Parties**

2. Plaintiff I. Ganessey is a natural person residing in the State of New York, County of New York.

3. Upon information and belief, defendant HP Trading Corp. a/k/a Petak's (the "Employer") is a New York business corporation with a principal place of business at 1246 Madison Avenue, New York, NY 10128.

4. There are no other parties to this action at this time.

**III. Venue & Jurisdiction**

5. Venue in the Southern District of New York is appropriate pursuant to 28 U.S.C. Section 1391(b)(2) in that defendant resides in New York and, upon information and belief, maintains a continuous and systematic presence in the Southern District.

6. Subject matter jurisdiction over this action exists pursuant to 28 U.S.C. Sections 1331 and 1337 in that a claim is made that arises under the laws of the United States, specifically the Fair Labor Standards Act.

7. Personal jurisdiction exists over the Employers in that this action arises from its activities in New York, specifically the employment of the Plaintiff.

**IV. Background**

8. Upon information and belief, the Employer operates a restaurant.

9. Mr. Gannesey was employed by the Employer, including any predecessors in interest.

10. Mr. Gannesey was not paid a proper overtime premium for work in excess of 40 hours per week.

**IV. Causes of Action and Demand for Relief**

Count One: Violation of the Fair Labor Standards Act

11. The allegations contained in paragraphs 1 through 10 are incorporated as if restated herein.

12. Plaintiff was an employee of the Employer within the meaning of the Fair Labor Standards Act.

13. Upon information and belief, the Defendant was an employer within the meaning of the Fair Labor Standards Act and subject to the same Act.

14. The Employer violated the Fair Labor Standards Act in that it did not properly compensate plaintiff for the overtime he worked.

Count II: Violation of New York Wage & Hour Law

15. The allegations contained in paragraphs 1 through 14 are incorporated as if restated herein.

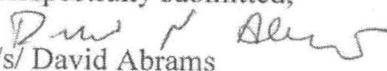
16. Mr. Gannesey was an employee of the Employer within the meaning of New York Wage Regulations, specifically N.Y.C.R.R. Labor Section 138 et seq.

17. The Employer was an employer within the meaning of those same regulations.

18. The Employer violated the above regulations in that it did not properly compensate Mr. Gannesey for the overtime hours he worked.

WHEREFORE Mr. Gannesey demands judgment against the Employer in the amount of his unpaid compensation and overtime, lost wages, together with liquidated and other multiple damages, costs, fees, interest, and such other and further relief that the Court deems just.

Respectfully submitted,

  
/s/ David Abrams

---

David Abrams (DA-8126)  
Attorney for Plaintiff

305 Broadway, 5th Floor  
New York, NY 10007  
Tel. 212-897-5821  
Fax 212-897-5811

Dated: New York, NY  
March 29, 2007